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Written statement* submitted by the World Muslim Congress, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 August 2018]

* Issued as received, in the language(s) of submission only.

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Situation of Human Rights Defenders in Indian Administered Kashmir

The Human Rights advocates world over are threatened, attacked and silenced. The message is clear. As no one is immune, many advocates across the globe will be unable to work freely and without fear of retaliation.

One of the precarious situations for human rights defenders is Indian Administered Kashmir. Indian government feels threatened by any dissent. They label human rights concerns as "illegal outside interference" in their internal affairs; and challenge to their sovereignty.

Civil society in Indian Administered Kashmir faces visa restrictions, confiscation of passports, travel bans, and arbitrary police investigations and detention. Activists' movements are thwarted and their interactions with those abroad restricted. They are facing administrative and legal repercussions for their advocacy –selectively applied laws, like Public Safety Act of 1990 or measures undermining their legal legitimacy or ability to receive funding to survive.

Civil society activists also face arbitrary detentions, denial of medical treatment, extra-judicial killings and enforced disappearances.

On 14th of June 2018, Office of the High Commissioner for Human Rights released first ever report on the situation of human rights in Jammu and Kashmir.

The OHCHR report on Kashmir highlights the lack of access to justice, impunity enjoyed by the Indian armed forces and excessive use of force by them, enforced or involuntary disappearances, sexual violence, and restriction on freedom of expression, limitations on right to education attacks on hospitals and paramedics and reprisals against human rights defenders and media gag.

The frequent shutdowns of internet and telecommunications and targeting of media interfered with exercise of right to freedom of opinion and expression. More often government imposed ban on social media sites and a huge number of social media activists are detained under the lawless law Public Safety Act (PSA)

Human rights defenders who cooperated with United Nations Human Rights Institutions and tried to bring international attention to the human rights situation in Jammu and Kashmir have faced reprisals while access to information has been obstructed for journalists.

Prominent human rights defender Khurram Parvez was arrested and detained under PSA on 15 September 2016, a day after being prevented from travelling to Geneva to attend Human Rights Council Session. Human rights lawyer Kartik Murukutla, who works with JKCCS, was detained at the New Delhi airport immigration desk on 24 September 2016 on his return from Geneva after attending the 32nd Session of UNHRC. Photojournalist Kamran Yousuf was arrested on 5 September 2017 and charged with sedition for allegedly being involved in a "conspiracy against the nation". In its special court in New Delhi, the National Investigative Agency accused Kamran Yusuf of being involved in "several stone-pelting incidents". He was released after the Intervention of journalist's organization on 12 March 2018.

French journalist and documentary film-maker Paul Comiti was arrested on 9 December 2017 in Srinagar for allegedly violating Indian visa conditions.

On 15th of July 2016 Jammu and Kashmir Police raided the offices of three prominent newspapers in Kashmir. The newspapers were not allowed to publish for three days and copies of newspapers were seized and some staff reporters detained.

In 2016 Srinagar based English Daily 'Kashmir Reader' was banned for three months for reporting the on ground human rights situation. Several international groups working on media freedoms, including PEN International and the Committee to Protect Journalists, have criticized the ban on the Kashmir Reader.

Unlike the reports of many NGOs and civil society groups that have reduced the Kashmir Issue to a case of human rights violations without contextualizing the historical and political realities - conveniently ignoring the larger political

question; the UN report closes with a strong recommendation to: "fully respect the right of self-determination of the people of Kashmir as protected under international law."

After such a damning report it was expected that India would initiate a debate on how the human rights record can be improved. But the Indian Government chose to reject it.

Indian government not only rejected the report but described it as "fallacious, tendentious and motivated besides calling it "selective compilation of largely unverified information" that sought to build "a false narrative", adding that it violated the country's sovereignty and territorial integrity.

India launched a full- scale diplomatic and media campaign to make the report controversial and even tried to undermine the credibility of the highest institution responsible for the promotion and protection of human rights and questioned the integrity of the UN High Commissioner on Human Rights.

Indian electronic media started a simmering against human rights defenders of Indian Administered Kashmir who may have cooperated with the United Nations Human Rights Special Procedures Division and OHCHR, labeling them as terrorist and working for the third party. This simmering campaign endangered the lives of the rights activists, members of civil society groups, quoted in the report of the Office of the High Commissioner. They began to receive life threats from intelligence agencies and government sponsored militant groups.

First causality of Indian antagonism was the cold blooded murder of noted Kashmiri journalist and peace activist, Chief Editor of Srinagar based English Daily Rising Kashmir. Hours before he fell to the bullets of unidentified gunmen, Rising Kashmir editor Shujaat Bukhari had vigorously defended his work on Twitter when some Delhi-based journalists accused him of doing "biased" reportage on Kashmir, and had posted the UN Report on alleged human rights violations in the Valley.

One of his last tweets read: "First-ever @UNHumanRights report on #Kashmir calls for #international inquiry into multiple violations".

Killing of Bukhari was a chilling reminder to all Kashmir journalists and rights activists who cooperated with UN system or reported the ground situation against the wishes of Indian State. Aqib Javeed Hakeem, a Srinagar based journalists was interrogated by National Investigation Agency (NIA) for three days in Delhi. NIA officials asked him questions related to his family background, his education, his source of income, and his interview with separatist leader Asiya Andrabi. The largest English daily Greater Kashmir was pressurized to submit the raw reporting materials. Questioning Auqib Javeed without a lawyer and trying to force 'Greater Kashmir' to submit raw reporting material is a serious attack on press freedom.

During last 30 years human rights defenders and journalist in Kashmir are walking on razor edge. 30 journalists and dozens of human rights defenders were killed by the state agents and men in uniform. Those include, noted human rights activists Haydith Nath Vanchoo, jurist Jalil Andrabi, Asia Jalani , Shujjat Bukhari, Dr. Abdul Ahad Wani , Dr. Groo , Asia Geelani , Parvaz Sultan , Pir Hasm-u-din and others.

This year marks the 70th Anniversary of the Universal Declaration of Human Rights. It is Important for the collective human rights community, and the UN membership at large to recall the circumstances that led to the Deceleration and its unanimous adoption.

The fact that Government of India is engaged in intimidation and reprisals against members of the civil society whose "Crime" is that they cooperate with UN would have the original drafters of that noble documents turning in their graves.

Despite what human rights defenders are facing, the strength and resilience of these human rights defenders of Indian Administered Kashmir that deal with United Nations is heartening and United Nations owes to support them and protect them from state reprisals.

United Nations should take note of the situation of human rights defenders in Indian Administered Kashmir and call upon government of Indian to end its repressive policies and allow free flow of information.

United Nations Human Rights Council should take note of the recommendation of the OHCHR report to establish commissions of inquiry to investigate the past and present human rights violation in Kashmir including the violations perpetrated against the human rights defenders.

If the impunity continues for such crimes, this is likely to increase fear in those seeking the protection of the UN and other human rights actors.